
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

VINCENT PAUL BARELA,
Plaintiff,

v.

KAREN GRECKO, et al.,
Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:13-cv-00430-CW-DBP

Judge Clark Waddoups

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B). (*See* Dkt. No. 8.) Consistent with Judge Pead’s treatment of the case, because Plaintiff is proceeding *pro se*, the court will only dismiss the Complaint for failure to state a claim where it “appears beyond doubt that the plaintiff can prove no set of facts . . . which would entitle him to relief.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976) (quotations omitted).

On November 20, 2013, Judge Pead issued a Report and Recommendation (Dkt. No. 9) recommending that the court deny without prejudice Plaintiff’s Motion to Appoint Counsel (Dkt. No. 6) and Motion for Service of Process (Dkt. No. 7). Judge Pead’s Report and Recommendation also recommended that the court dismiss without prejudice Plaintiff’s Complaint under 28 U.S.C. § 1915(e)(2)(B)(ii). (*See* Dkt. No. 9.)

Plaintiff failed to file an Objection or other response to Judge Pead’s Report and Recommendation within the permitted timeframe.

Accordingly, and upon a *de novo* review of the Judge Pead’s findings, the court

APPROVES AND ADOPTS Judge Pead's Report and Recommendation (Dkt. No. 9) in its entirety. Plaintiff's motions (Dkt. Nos. 6 & 7) are therefore DENIED without prejudice and the case is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).

This case is therefore closed.

SO ORDERED this 18th day of April, 2014.

BY THE COURT:

A handwritten signature in blue ink, reading "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge